

116TH CONGRESS
2D SESSION

H. R. 5598

To provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected Federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2020

Ms. MCCOLLUM (for herself, Mr. ROONEY of Florida, Mr. GRIJALVA, Mr. LOWENTHAL, Mr. PHILLIPS, and Mr. UPTON) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the protection of the Boundary Waters Canoe Area Wilderness and interconnected Federal lands and waters, including Voyageurs National Park, within the Rainy River Watershed in the State of Minnesota, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Boundary Waters Wil-
5 derness Protection and Pollution Prevention Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The Boundary Waters Canoe Area Wilder-
2 ness is a 1,090,000 acre Federal wilderness area, lo-
3 cated within the Superior National Forest, that was
4 originally designated in the Wilderness Act of 1964
5 (Public Law 88–577).

6 (2) The Forest Service manages the Boundary
7 Waters Canoe Area Wilderness, which includes—

8 (A) nearly 2,000 pristine lakes ranging in
9 size from 10 acres to 10,000 acres, and more
10 than 1,200 miles of canoe routes;

11 (B) 1,500 cultural resource sites including
12 historic Ojibwe village sites and Native Amer-
13 ican pictograph panel sites; and

14 (C) 150 miles of land and water on the
15 international border with the Government of
16 Canada.

17 (3) In 1978, Congress passed the Boundary
18 Waters Canoe Area Wilderness Act (Public Law 95–
19 495) to remove incompatible uses, prohibit mining
20 within the Boundary Waters Canoe Area Wilderness
21 and on 220,000 acres of the Superior National For-
22 est, and to provide management guidance to protect,
23 preserve, and enhance the lakes, waterways, and for-
24 ested areas of the Boundary Waters Canoe Area

1 Wilderness to enhance public enjoyment of the
2 unique landscape and wildlife.

3 (4) The federally recognized Grand Portage
4 Band of Lake Superior Chippewa, the Fond du Lac
5 Band of Lake Superior Chippewa, and the Bois
6 Forte Band of Chippewa retain hunting, fishing, and
7 other usufructuary rights throughout the entire
8 northeast portion of Minnesota, including the
9 Boundary Waters Canoe Area Wilderness, under the
10 1854 Treaty of LaPointe. All Bands have a legal in-
11 terest in protecting natural resources and the Forest
12 Service shares in the Federal trust responsibility to
13 maintain treaty resources.

14 (5) The Rainy River Watershed lies within the
15 Superior National Forest, which contains 20 percent
16 of the fresh water supply in the entire National For-
17 est System.

18 (6) The Rainy River Watershed headwaters
19 begin in northeastern Minnesota and flow north
20 through the Boundary Waters Canoe Area Wilder-
21 ness and Voyageurs National Park and into Canada
22 along the shared international border. These inter-
23 national waters are governed by the 1909 Boundary
24 Waters Treaty, which states that “boundary waters
25 and the waters flowing across the boundary shall not

1 be polluted on either side to the injury of health or
2 property on the other”.

3 (7) The waters of the Boundary Waters Canoe
4 Area Wilderness and Voyageurs National Park are
5 classified as Outstanding Resource Value Waters
6 under Federal and State law, and degradation of
7 water quality is prohibited. A risk of mining develop-
8 ment is acid mine drainage which generally occurs
9 when sulfide minerals are exposed to air and water
10 creating sulfuric acid, which decreases water pH and
11 leaches harmful metals such as copper, zinc, lead,
12 cadmium, iron, and nickel.

13 (8) Acid mine runoff from sulfide-ore copper
14 mining entering groundwater, rivers, streams, and
15 lakes harms aquatic life, degrades water quality, and
16 results in potential severe environmental impacts.

17 (9) A peer-reviewed study of water quality im-
18 pacts from 14 operating United States copper sul-
19 fide mines found 100 percent of the mines experi-
20 enced pipeline spills or accidental releases: 13 mines
21 experienced failures of water collection and treat-
22 ment systems to control contaminated mine seepage
23 resulting in significant negative water quality im-
24 pacts.

1 (10) The mining of copper and other metals in
2 sulfide bearing ore on Federal lands in the Superior
3 National Forest, within the Rainy River Watershed,
4 poses a direct and long-term threat from sulfide-ore
5 mining contamination to the pristine water and air
6 quality and healthy forested habitat of the Boundary
7 Waters Canoe Area Wilderness and Voyageurs Na-
8 tional Park.

9 (11) The likely contamination of the air, water,
10 and forested habitat of the Boundary Waters Canoe
11 Area Wilderness and Voyageurs National Park from
12 the mining of copper, nickel, platinum, palladium,
13 gold, and silver on Federal lands within the Rainy
14 River Watershed puts at risk—

15 (A) the nationally recognized natural re-
16 sources of the area; and

17 (B) the region’s amenity-based and tour-
18 ism industry, which if protected by a mineral
19 withdrawal, would grow by 1,500 to 4,600 more
20 jobs and \$100,000,000 to \$900,000,000 more
21 income over the next 20 years than if such min-
22 ing were not banned.

23 (12) In 2016, the Forest Service issued a
24 Record of Decision which found “unacceptable the
25 inherent potential risk that development of a region-

1 ally-untested copper-nickel sulfide ore mine within
2 the same watershed as the Boundary Waters Canoe
3 Area Wilderness might cause serious and irreplace-
4 able harm to this unique, iconic, and irreplaceable
5 wilderness area”. The Forest Service subsequently
6 proposed a 20-year mineral withdrawal of 234,328
7 acres of Federal lands and waters in the Rainy
8 River Watershed.

9 (13) In 2018, approximately 20 months into a
10 24-month review period of the Rainy River Water-
11 shed mineral withdrawal proposal, the Department
12 of Agriculture abruptly abandoned the Environ-
13 mental Assessment. The Administration has subse-
14 quently refused multiple directives from Congress to
15 complete and release the Environmental Assessment.

16 **SEC. 3. WITHDRAWAL OF CERTAIN FEDERAL LANDS AND**
17 **WATERS IN THE STATE OF MINNESOTA.**

18 (a) DEFINITION OF MAP.—In this Act, the term
19 “Map” means the map prepared by the Forest Service en-
20 titled “Superior National Forest Mineral Withdrawal Ap-
21 plication Map” and dated December 5, 2016.

22 (b) WITHDRAWAL.—Except as provided in subsection
23 (d) and subject to valid existing rights, the approximately
24 234,328 acres of Federal land and waters in the Rainy
25 River Watershed of the Superior National Forest in the

1 State of Minnesota, as located on the Map and described
2 in the Federal Register Notice of Application for With-
3 drawal, dated January 19, 2017 (82 Fed. Reg. 6639), are
4 hereby withdrawn from—

5 (1) all forms of entry, appropriation, and dis-
6 posal under the public land laws;

7 (2) location, entry, and patent under the mining
8 laws; and

9 (3) operation of the mineral leasing, mineral
10 materials, and geothermal leasing laws.

11 (c) ACQUIRED LAND.—Any land or interest in land
12 within the area depicted on the Map that is acquired by
13 the United States after the date of enactment of this Act
14 shall, on acquisition, be immediately withdrawn in accord-
15 ance with this section.

16 (d) REMOVAL OF SAND, GRAVEL, GRANITE, IRON
17 ORE, AND TACONITE.—The Chief of the Forest Service
18 is authorized to permit the removal of sand, gravel, gran-
19 ite, iron ore, and taconite from national forest system
20 lands within the area depicted on the Map if the Chief
21 determines that the removal is not detrimental to the
22 water quality, air quality, and health of the forest habitat
23 within the Rainy River Watershed.

24 (e) AVAILABILITY OF MAP.—The Map shall be kept
25 on file and made available for public inspection in the ap-

- 1 appropriate offices of the Forest Service and the Bureau of
- 2 Land Management.

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